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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,176	05/06/2004	Oliver Birch	CHA920030033US1	7520
7590 McGinn & Gibb, PLLC Suite 304 2568-A Riva Road Annapolis, MD 21401				
08/06/2008				
EXAMINER				
GAY, SONIA L				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
08/06/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/840,176

**Applicant(s)**

BIRCH ET AL.

**Examiner**

SONIA GAY

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22 - 28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 22 - 28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to Amendment submitted on 05/15/2008 in which claims 22 – 28 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

1. Claims 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "forwarding a request for voice instructions from said XML browser". There is insufficient antecedent basis for this limitation in the claim.

#### ***Allowable Subject Matter***

2. The indicated allowability of claims 22 - 28 is withdrawn in view of the newly discovered reference(s) to Bhandari et al. (US 2005/0141500). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 103***

3. Claims 22- 28 are rejected under 35 U.S.C. 103(a) as being unpatentable Koch(US 2007/0032222) in view of Bhandari et al. (US 2005/0141500).

For claim 22, Koch discloses a method of providing a voice dialogue in a telephone network, said method comprising:  
directing a telephone call to a switch ([0110]);

requesting, by said switch, routing instructions from a control point ([0110]);  
routing said telephone call to a Voice Extensible Markup Language (CCXM/Voice XML) browser according to said routing instructions ([0111]);  
executing said voice instructions from said converter to said Voice XML browser ([0114]).

Yet, Koch fails to teach forwarding a request from voice instructions to said call control protocol using said converter; forwarding said request for voice instructions from said converter to said control point; returning voice instructions from said control point to said converter.

However, Bhandari et al discloses an intelligent peripheral which includes in interactive voice response (IVR) system ([0040]) which contains an internal translator for the purpose of converting messages received from a Web server into call control protocol and accessing the relevant call service data from control point (*ISCP*, [0040]) ([0065][0066][0067][0084]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Koch with the teachings of Bhandari et al. to include a converter internal to the intelligent peripheral, the CCXML/Voice XML browser for the purpose of converting voice instructions received from web server to a call control protocol and forwarding the converted request to the call control point and converting said voice instructions from said call control protocol to said web based protocol, i.e. CCXML/Voice XML and returning the voice instructions back to the intelligent peripheral.

As dependent claims of Claim 22, Claims 23 – 28 are rejected for the same reasons discussed above for Claim 22.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/  
Examiner, Art Unit 2614

July 31, 2008

/Ahmad F MATAR/  
Supervisory Patent Examiner, Art Unit 2614